

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chelsea Yogerst	Team: Squad #11	CCRB Case #: 201410499	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/03/2014 5:00 PM	Location of Incident: 2nd Avenue and East 125th Street and the 25th Precinct stationhouse	Precinct: 25	18 Mo. SOL 4/3/2016	EO SOL 4/3/2016	
Date/Time CV Reported Sat, 10/04/2014 5:12 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/14/2014 5:54 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Paul Bliss	11362	905798	025 PCT
2. POM Jon Derise	06394	938331	025 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Marcus Gonzalez	00000	914790	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Paul Bliss	Abuse: At 2nd Avenue and East 125th Street in Manhattan, PO Paul Bliss threatened to arrest § 87(2)(b)	
B.POM Paul Bliss	Discourtesy: At 2nd Avenue and East 125th Street in Manhattan, PO Paul Bliss spoke rudely to § 87(2)(b)	
C.POM Paul Bliss	Abuse: At 2nd Avenue and East 125th Street in Manhattan, PO Paul Bliss interfered with the ability of § 87(2)(b) to video tape.	
D.POM Paul Bliss	Discourtesy: At 2nd Avenue and East 125th Street in Manhattan, PO Paul Bliss acted rudely toward § 87(2)(b)	
E.POM Jon Derise	Abuse: At the 25th Precinct stationhouse, PO Jon Derise did not process § 87(2)(b)'s complaint regarding officers.	

Case summary

On October 3, 2014, at approximately 5:00 p.m., § 87(2)(b) pulled her vehicle into a gas station at the intersection of East 125th Street and 2nd Avenue. § 87(2)(b)'s sister, § 87(2)(b) was in the passenger seat of the vehicle. Once § 87(2)(b) stopped, she turned off her vehicle, took off her seatbelt and began to collect her money.

It was then that § 87(2)(b) turned around and saw PO Paul Bliss, of the 25th Precinct, outside the window of her vehicle. PO Bliss immediately requested § 87(2)(b)'s license and registration. After § 87(2)(b) provided such to him, she asked why she had been stopped since she was parked at a gas station. PO Bliss explained that her window was cracked and her seatbelt was off. § 87(2)(b) explained that she planned to get her windshield fixed when she got home that day and only took her seatbelt off after parking and turning off her vehicle.

PO Bliss yelled at § 87(2)(b) and told her not to tell him what he was seeing. § 87(2)(b) stated that everyone could see that she had just taken her seatbelt off, she had money in her hand, and was about to pump gas. PO Bliss then allegedly stated, "Shut the fuck up before I arrest you," (**Allegations A and B**).

PO Bliss returned to his vehicle. § 87(2)(b) called 311 to ask if it was legal to record police officers. The 311 operator told her that it was legal and also explained that she could go to the stationhouse to file a complaint. § 87(2)(b) began to record the incident on her cell phone.

PO Bliss called § 87(2)(b) over to his vehicle. § 87(2)(b) refused and called for PO Bliss to come to her. PO Bliss yelled again to § 87(2)(b) to come to his vehicle, at which point § 87(2)(b) complied.

When § 87(2)(b) approached him, PO Bliss told her to shut off her phone. § 87(2)(b) explained to PO Bliss that she had just called 311 and was allowed to have her phone on. PO Bliss responded by saying that they were not going to have a conversation until she turned her phone off. § 87(2)(b) told PO Bliss that they were not going to have a conversation then (**Allegation C**).

§ 87(2)(b) returned to her vehicle and waited for a long time. When PO Bliss returned with her license and registration, he issued § 87(2)(b) three summonses: one for a cracked windshield, one for a broken taillight, and one for not having a seatbelt on. PO Bliss threw all of the documents into § 87(2)(b)'s vehicle with a dismissive flick of his wrist so that they landed on her lap (**Allegation D**).

Following the incident, § 87(2)(b) and § 87(2)(b) went to the 25th Precinct stationhouse and tried to file a complaint against PO Bliss with PO Jon Derise, who was seated behind the desk. At one point, an unidentified officer told § 87(2)(b) that they were going to get her the correct paperwork to file a complaint. This officer never returned, and after twenty minutes, PO Derise said, "Why don't you just go home and do the report on Monday?" PO Derise then explained that they did not have the correct paperwork and wrote down the number for the CCRB on a piece of paper (**Allegation E**). § 87(2)(b) and § 87(2)(b) left the stationhouse without filing a complaint.

This case was originally assigned to Investigator Christopher Mills. On April 2, 2014, the case was reassigned to Investigator Chelsea Yogerst for closure.

Mediation, Civil and Criminal Histories

This case was eligible for mediation but § 87(2)(b) rejected it.

On May 20, 2015, The New York City Office of Comptroller confirmed that § 87(2)(b) had not filed a notice of claim (see 02 Board Review)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officers CCRB Histories

- PO Paul Bliss has been a member of the service for twenty-one years and has thirteen prior CCRB complaints where various allegations were closed as unsubstantiated, unfounded, victim uncooperative, complainant uncooperative, administratively closed or mediated.
- § 87(2)(g)
 - In case 9404737, he was accused of using discourteous language. The allegation was closed as unsubstantiated.
 - In case 9605123, he was accused of stating, “Where’s the fucking gun?” The allegation was closed as unsubstantiated.
 - In case 975041, he was accused of stating, “Look at the fucking wall,” “Shut the Fuck Up,” and calling the civilian a nigger. Both the discourtesy-word and offensive language allegations were closed as unsubstantiated.
 - In case 200101064, he was accused of referring to a civilian as a “Puerto Rican bitch.” The allegation was closed as unsubstantiated.
 - In case 200303008, he was accused of stating, “Get the fuck against the wall. Shut the fuck up before I bash your head against the fucking wall.” The allegation was closed as unsubstantiated.
 - In case 201002886, he was accused of stating, “Get the fuck out,” and “get the fuck out of here. You’re all just a bunch of niggers to me. Us two cops are the wrong cops to fuck with.” The discourtesy-word allegations were closed as unfounded and victim uncooperative, while the offensive language allegations were closed as unsubstantiated and victim uncooperative.
 - In case 201009059, he was accused of saying, “Get back in the fucking car” and “the information is on the fucking ticket.” The case was closed as complainant uncooperative.
- PO Jon Derise has been a member of the service for nine years and has eight prior CCRB complaints where various allegations were closed as complainant unavailable, unsubstantiated or exonerated. § 87(2)(g)
 - In CCRB case #201204122, an allegation of discourtesy-word was substantiated. Although command discipline was recommended, no disciplinary action was taken by the NYPD.
- This is § 87(2)(b)’s first CCRB complaint (see 03 Board Review).

Findings and Recommendations

Explanation of Subject Officer Identification

During her initial phone statement, § 87(2)(b) provided PO Bliss’s name and tax number which she obtained off of the three summonses she received. As PO Paul Bliss admitted to his interaction with § 87(2)(b) § 87(2)(g).

§ 87(2)(b) described the officer that she spoke with at the stationhouse as a white male, 5'10" tall with red hair. PO Jon Derise, who was assigned to telephone switchboard

operator at the time of the incident, fits this description. Given that he admitted to his interaction with § 87(2)(b) and § 87(2)(b) § 87(2)(g).

Recommendations

Allegation A-Abuse of Authority: At 2nd Avenue and East 125th Street, PO Paul Bliss threatened to arrest § 87(2)(b)

Allegation B-Discourtesy: At 2nd Avenue and East 125th Street, PO Paul Bliss spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that after she began to dispute why she was being pulled over, PO Bliss said “Shut the fuck up before I arrest you.”

§ 87(2)(b) alleged that at one point, PO Bliss said, “Shut the fuck up.”

PO Bliss denied that he said anything along the lines of, “Shut the fuck up before I arrest you.” He also denied using any variation of the word “fuck” and denied threatening to arrest

§ 87(2)(b)

PO Bliss has been accused of using discourteous and offensive language in seven other CCRB cases. PO Bliss was accused of stating “Where’s the fucking gun?” in case 2605123, and, “Look at the fucking wall,” “Shut the fuck up,” and calling a civilian a nigger, in case 9705041. He was also accused of calling a civilian a “Puerto Rican Bitch” in case 200101064, and saying, “Get the fuck against the wall. Shut up before I bash your head against the fucking wall,” in case 200304008. In case 201002886, he was accused of saying, “Get the fuck out,” and “get the fuck out of here. You’re all just a bunch of niggers to me. Us two cops are the wrong cops to fuck with.” Finally, in case 201009059, he is accused of saying, “Get back in the fucking car” and “the information is on the fucking ticket.” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C-Abuse of Authority: At 2nd Avenue and East 125th Street in Manhattan, PO Paul Bliss interfered with the ability of § 87(2)(b) to video tape.

It is not in dispute that PO Paul Bliss told § 87(2)(b) that he would not talk to the camera she was using to video record him.

The Finest Message delivered on August 6, 2014, reiterates Patrol Guide Procedure 208-03: Arrests – General Processing regarding observers at the scene of police incidents. Members of the services were reminded that the public are legally allowed to record by video, audio, or photography police interactions, which include arrest and other situations. Members of the service will not interfere with a person’s use of a recording device to record police interactions.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D-Discourtesy: At 2nd Avenue and East 125th Street, PO Paul Bliss acted rudely toward § 87(2)(b)

§ 87(2)(b) alleged that when PO Bliss returned to her vehicle with her license and registration, he also had three summonses in his hand. PO Bliss proceeded to throw all of the documents through the driver's side window and into § 87(2)(b)'s car, with a dismissive flick of his wrist so that they landed on her lap.

§ 87(2)(b) alleged that when PO Bliss returned to the vehicle, he threw the summonses through the driver's side window. The tickets landed on § 87(2)(b)'s lap.

PO Bliss testified that he handed the summonses to § 87(2)(b) and then walked away. He denied that he "swept" the summonses into the car with the "flick of his wrist" or that the summonses fell onto § 87(2)(b).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation E- Abuse of Authority: At the 25th Precinct stationhouse, PO Jon Derise did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(b) testified that when she and her sister went to the stationhouse to file a complaint against PO Bliss, she waited for twenty minutes before being told by PO Derise that the officers could not find the correct paperwork. PO Derise then provided her with the CCRB phone number and instructed her to go home and file the report on Monday over the phone.

§ 87(2)(b) alleged that PO Derise informed her and her sister that they didn't have the paper to take the report so they could not do anything that day.

PO Derise confirmed that he had an interaction with § 87(2)(b) but he did not recall if he gave her a complaint form or if he asked her if she wanted to file a complaint. PO Derise believed that § 87(2)(b) took issue with the factual and legal basis of the traffic stop, so he explained to her that the best and only place to deal with the matter would be in traffic court. He added that he or another officer offered § 87(2)(b) the CCRB or IAB phone number.

PO Derise indicated that it was possible that he told § 87(2)(b) that they did not have the correct paperwork for her to fill out because they could not find the CCRB complaint form. However, PO Derise did not have a specific recollection of this happening and could not recall if he told § 87(2)(b) to come back and file her complaint on a different day.

Although the desk officer at the time, Lieutenant Gonzalez, had no independent recollection of the incident, he confirmed that he would have been the supervisor responsible for taking civilian complaints and for speaking to any civilians who requested a supervisor. Lieutenant Gonzalez denied that he has ever told a civilian that they could not fill out a complaint form and denied that he has ever told a civilian that they did not have the right paperwork to fill out a report.

According to Lieutenant Gonzalez, it was possible that a civilian asked another officer in the precinct to make a civilian complaint. In this case, the officer could have filled out the paperwork without him being present or could have provided the CCRB phone number to the civilian. If the officer did not relay the complaint, Lieutenant Gonzalez explained that he would have had no knowledge of it.

Patrol Guide Procedure 207-31 (01 Board Review), says that members of service are required to report all misconduct complaints to the Civilian Complaint Review Board. In the additional data section, it is noted that, "Additionally, complaints against uniformed members alleging other acts of misconduct, i.e., fail to properly perform duty, unwarranted traffic summonses, etc., will be directed to the Civilian Complaint Review Board, Intake Unit and be assigned a Chief of Department serial number."

